AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior version, and listings, of claims in the application:

Listing of Claims:

Claim 1 (Currently Amended): A composition for immunohistochemical staining which contains a diagnostic marker comprising:

an antibody bound with a fluorescent functional group comprising an indocyanine green derivative which is capable of being excited to cause fluorescence, and

at least one substance which enhances fluorescence intensity of the fluorescent functional group, said at least one substance being selected from glycerophospholipid [[,]] or fatty acid ~~, or surfactant wherein the surfactant is a saccharide derivative having fluorescence intensity enhancing effect~~.

Claim 2 (Currently Amended): The composition according to claim 1, wherein the at least one substance comprises glycerophospholipid and the glycerophospholipid is acylglycerol phosphate.

Claim 3 (Original): The composition according to claim 2, wherein the acylglycerol phosphate is 1,2-diacyl-sn-glycerol 3-phosphate containing two C_{10-20} fatty acid residues.

Claim 4 (Original): The composition according to claim 3, wherein the 1,2-diacyl-sn-glycerol 3-phosphate is dimyristoylphosphatidic acid or distearoylphosphatidic acid.

Claim 5 (Currently Amended) The composition according to claim 1, wherein the at least one substance comprises glycerophospholipid and the glycerophospholipid is acylglycerol phosphocholine.

Claim 6 (Original): The composition according to claim 5, wherein the acylglycerol phosphocholine is 1,2-diacyl-sn-glycerol 3-phosphocholine containing two C_{10-20} fatty acid residues.

Claim 7 (Original): The composition according to claim 5, wherein the 1,2-diacyl-sn-glycerol 3-phosphocholine is distearoylphosphatidylcholine.

Claims 8-10 (Canceled)

Claim 11 (Original): The composition according to claim 1, wherein the indocyanine green derivative is derived from indocyanine green-N-hydroxysulfosuccinimide ester.

Claim 12 (Original): The composition according to claim 1, wherein the antibody is an anti-cancer antigen antibody.

Claim 13 (Canceled)

Claim 14 (Currently Amended): A method for immunohistochemical staining of a tumor cell comprising:

contacting the tumor cell with a composition which contains a diagnostic marker comprising: an antibody bound with a fluorescent functional group comprising an indocyanine green derivative which is capable of being excited to cause fluorescence, and at least one substance which enhances fluorescence intensity of the fluorescent functional group, said at least one substance being selected from glycerophospholipid [[,]] or fatty acid, ~~or surfactant wherein the~~

~~surfactant is a saccharide derivative having fluorescence intensity enhancing effect,~~ and

allowing the composition to bind to the tumor cell, thereby staining the cell with the diagnostic marker.

Claim 15 (Currently Amended): A method for immunohistochemical diagnosis of malignant neoplasia of epithelial cells comprising:

contacting the malignant neoplasia of epithelial cells with a composition which contains a diagnostic marker comprising: an antibody bound with a fluorescent functional group comprising an indocyanine green derivative which is capable of being excited to cause fluorescence, and at least one substance which enhances fluorescence intensity of the fluorescent functional group, said at least one substance being selected from glycerophospholipid [[,]] or fatty acid, ~~or surfactant wherein the surfactant is a saccharide derivative having fluorescence intensity enhancing effect,~~

allowing the composition to bind to the malignant neoplasia, thereby staining the neoplasia with the diagnostic marker, and

detecting the malignant neoplasia.

Claim 16 (Currently Amended): The method of claim 14, wherein the at least one substance comprises glycerophospholipid and the glycerophospholipid is acylglycerol phosphate.

Claim 17 (Original): The method of claim 16, wherein the acylglycerol phosphate is 1,2,-diacyl-sn-glycerol 3-phosphate containing two C_{10-20} fatty acid residues.

Claim 18 (Original): The method of claim 17, wherein the 1,2,-diacyl-sn-glycerol 3-phosphate is dimyristoylphosphatidic acid or distearoylphosphatidic acid.

Claim 19 (Currently Amended): The method of claim 14, wherein the at least one substance comprises glycerophospholipid and the glycerophospholipid is acylglycerol phosphocholine.

Claim 20 (Original): The method of claim 19, wherein the acylglycerol phosphocholine is 1,2,-diacyl-sn-glycerol 3-phosphocholine containing two C_{10-20} fatty acid residues.

Claim 21 (Original): The method of claim 20, wherein the 1,2,-diacyl-sn-glycerol 3-phosphocholine is distearoylphosphatidylcholine.

Claim 22 (Canceled)

Claim 23 (Currently Amended): The method of claim [14] 25 , wherein the indocyanine green derivative is indocyanine green-N-hydroxysulfosuccinimide and the saccharide derivative is octyl glucoside.

Claim 24 (Original): The method of claim 15 wherein the neoplasia of epithelial tissues is esophagus cancer, stomach cancer or large bowel cancer.

Claim 25 (New): A method for immunohistochemical staining of a tumor cell comprising:

contacting the tumor cell with a composition which contains a diagnostic marker comprising: an antibody bound with a fluorescent functional group comprising an indocyanine green derivative which is capable of being excited to cause fluorescence, and at least one substance which enhances fluorescence intensity of the fluorescent functional group, said at least one substance being selected from glycerophospholipid, fatty acid, or surfactant wherein the surfactant is a saccharide derivative having fluorescence intensity enhancing effect, and the saccharide

derivative is selected from octyl glucoside, heptyl glucoside, octyl thioglucoside, or heptyl thioglucoside, and

allowing the composition to bind to the tumor cell, thereby staining the cell with the diagnostic marker.

Claim 26 (New): A composition for immunohistochemical staining which contains a diagnostic marker comprising:

an antibody bound with a fluorescent functional group comprising an indocyanine green derivative which is capable of being excited to cause fluorescence, and

octyl glucoside, heptyl glucoside, octyl thioglucoside, or heptyl thioglucoside.

Claim 27 (New): The composition of claim 25, further comprising at least one of glycerophospholipid or fatty acid.

Claim 28 (New): The composition of claim 27, wherein the composition comprises octyl glucoside and distearoylphosphatidic acid.

Claim 29 (New): The composition of claim 27, wherein the composition comprises octyl glucoside and dimyristoylphosphatidic acid.

Claim 30 (New): The method of claim 26, wherein the composition further comprises at least one of glycerophospholipid or fatty acid.

Claim 31 (New): The method of claim 30, wherein the composition comprises octyl glucoside and distearoylphosphatidic acid.

Claim 32 (New): The method of claim 30, wherein the composition comprises octyl glucoside and dimyristoylphosphatidic acid.

Claim 33 (New): A method for immunohistochemical diagnosis of malignant neoplasia of epithelial cells comprising:

contacting the malignant neoplasia of epithelial cells with a composition which contains a diagnostic marker comprising: an antibody bound with a fluorescent functional group comprising an indocyanine green derivative which is capable of being excited to cause fluorescence, and octyl glucoside, heptyl glucoside, octyl thioglucoside, or heptyl thioglucoside,

allowing the composition to bind to the malignant neoplasia, thereby staining the neoplasia with the diagnostic marker, and

detecting the malignant neoplasia.

Claim 34 (New): The method of claim 33, wherein the composition further comprises at least one of glycerophospholipid or fatty acid.

Claim 35 (New): The method of claim 34, wherein the composition comprises octyl glucoside and distearoylphosphatidic acid.

Claim 36 (New): The method of claim 34, wherein the composition comprises octyl glucoside and dimyristoylphosphatidic acid.

Amendments to the Drawings

The attached two sheets of drawings includes the approved changes thereto which were submitted for the Examiner's review on October 7, 2002.

Attachment: Two Replacement Sheets